

**BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 2017-354-C**

IN RE:)	
)	
Pay Tel Communications, Inc.,)	
Complainant,)	REBUTTAL TESTIMONY OF
)	J. VINCENT TOWNSEND
Vs.)	
)	
Lattice Incorporated,)	
Respondent.)	
)	

1 **Q. PLEASE STATE YOUR NAME.**

2 **A. My name is John Vincent Townsend.**

3 **Q. BY WHOM AND IN WHAT CAPACITY ARE YOU EMPLOYED?**

4 **A. I am the President of Pay Tel Communications, Inc. (“Pay Tel”).**

5 **Q. ON WHOSE BEHALF ARE YOU TESTIFYING AND WHAT IS THE PURPOSE**
6 **OF YOUR TESTIMONY?**

7 **A. I am testifying on behalf of Pay Tel, and the purpose of my testimony is to respond**
8 **briefly to the Direct Testimony of Terry Whiteside on behalf of Lattice Incorporated**
9 **(“Lattice”), and the Direct Testimony of Christopher J. Rozycki on behalf of the South**
10 **Carolina Office of Regulatory Staff (“ORS”).**

11 **Q. BASED UPON YOUR REVIEW OF MR. WHITESIDE’S DIRECT TESTIMONY,**
12 **DOES LATTICE INTEND TO FILE AN APPLICATION WITH THE**
13 **COMMISSION SEEKING AUTHORITY TO PROVIDE INMATE TELEPHONE**
14 **SERVICES?**

1 A. Mr. Whiteside's Direct Testimony states as much, on Page 5 thereof. However, contrary
2 to Mr. Whiteside's contention, I do not believe that Lattice would need to await
3 resolution of the complaint in this Docket in order to file an application for a Certificate
4 of Public Convenience and Necessity ("CPCN") with the Commission.

5 **Q: DOES MR. WHITESIDE'S DIRECT TESTIMONY RAISE ANY CONCERNS**
6 **FOR PAY TEL?**

7 A: Yes. On Page 4, Mr. Whiteside testifies that Lattice is "in the process of revising our
8 agreements in order to completely remove Lattice from having any contractual rights or
9 obligations to provide any regulated telecommunications service to the correctional
10 facilities. When we complete the revisions of the contract, the correctional facilities will
11 directly contract with a carrier properly certificated in South Carolina to provide the
12 regulated telecommunications services. Lattice will continue to provide certain non-
13 regulated services to the facilities, but it will no longer be involved in the provision of
14 telecommunications services to the two facilities or to any other customer in South
15 Carolina."

16 **Q. WHY DOES THIS LANGUAGE CONCERN YOU?**

17 A. Mr. Whiteside indicates that Lattice will not provide "any regulated telecommunications
18 service" following its revision of these agreements, but that Lattice will "continue to
19 provide certain non-regulated services to the facilities." However, on Page 2 of his Direct
20 Testimony, Mr. Whiteside describes the services Lattice provides as "automated
21 operator-assisted collect and prepaid calling services to inmates and other incarcerated
22 persons in confinement institutions in the places where we operate." Furthermore, Mr.
23 Whiteside's presentation of Lattice's services on Page 3 of his Direct Testimony

describes what I would consider to be “regulated telecommunications service.” In any event, the Commission must determine, based upon the facts presented to it, and the law within its jurisdiction, what constitutes “regulated telecommunications services”. Absent such a determination, the Commission, the ORS, confinement facilities, and the consuming public will not know what services are “regulated” or “non-regulated,” even when traditional inmate service providers provide those services.

Q: ARE THERE CIRCUMSTANCES UNDER WHICH PAY TEL WOULD BE WILLING TO WITHDRAW ITS COMPLAINT IN THIS DOCKET?

A. Certainly. Pay Tel would withdraw its Complaint in the event that 1) Lattice files an application with the Commission seeking a certificate of public convenience and necessity (CPCN) as an inmate service provider/interexchange carrier; and 2) Lattice resolves to the satisfaction of the ORS and/or the Commission its ability to offer “non-regulated” services in connection with the provision of inmate telephone services in confinement facilities in South Carolina. At the very least, this process should include Lattice informing ORS and the Commission what carrier certificated by this Commission will provide the “regulated telecommunications services” as part of the arrangement described by Lattice.

Q: HAVE YOU REVIEWED THE DIRECT TESTIMONY OF CHRISTOPHER J. ROZYCKI ON BEHALF OF THE ORS?

A. I have. Pay Tel supports the recommendations of Mr. Rozycki set out therein. In particular, Pay Tel strongly supports Mr. Rozycki’s recommendations (Page 5) 1) that the Commission “notify the inmate facilities where Lattice is under contract and providing service that it is in violation of South Carolina law and operating a telephone utility

1 without proper authority (CPCN) from the Public Service Commission of South Carolina;
2 2) that the Commission or the ORS “notify all South Carolina inmate or confinement
3 facilities, that inmate service providers are Telephone Utilities under South Carolina law
4 and must possess a CPCN to operate in the State”; and 3) that the ORS “post a list of all
5 inmate service providers authorized (certificated) to operate in South Carolina.” The
6 Commission and ORS might also consider providing the South Carolina Sheriff’s
7 Association (112 Westpark Blvd. Columbia SC 29210) and the South Carolina Jail
8 Administrators (3841 Leeds Ave North Charleston SC 29405) such a notice, as well as
9 the list of inmate service providers authorized to operate in South Carolina.

10 **Q. DOES THIS CONCLUDE YOUR TESTIMONY?**

11 **A.** Yes, it does.

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CERTIFICATE OF SERVICE

This is to certify that I have caused to be served this day the Rebuttal Testimony of J. Vincent Townsend as follows:

VIA ELECTRONIC MAIL SERVICE

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s/John J. Pringle, Jr.

March 6, 2018
Columbia, South Carolina